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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 CHRISTINA O'CONNELL,

11 Plaintiff,

12 v.

13 CAROLYN W. COLVIN,

14 Defendant.

CASE NO. C14-0108JLR

ORDER ADOPTING REPORT
AND RECOMMENDATION

15 This matter comes before the court on the report and recommendation of United
16 States Magistrate Judge John L. Weinberg (R&R (Dkt. # 25)) and Defendant Carolyn W.
17 Colvin's ("the Commissioner") objections thereto (Obj. (Dkt. # 26)). This is a social
18 security case in which the parties dispute whether Plaintiff Christina O'Connell is entitled
19 to benefits. Having reviewed all of the foregoing, along with all other relevant
20 documents and the governing law, the court ADOPTS the report and recommendation,
21 REVERSES the decision of the Administrative Law Judge ("ALJ"), and REMANDS this
22 case for calculation and award of benefits to Ms. O'Connell.

I. BACKGROUND

Ms. O'Connell applied for and was denied Social Security disability insurance benefits. (Pltf. Mem. (Dkt. # 18) at 2.) After her application was denied, she requested a hearing in front of an ALJ. (*Id.*) The ALJ conducted a hearing and found that Ms. O'Connell is not disabled. (*See* Admin. Rec. (Dkt. ## 12-1-12-11) at 8-24.) Ms. O'Connell sought review of that decision within the agency, and the appeals council denied her request for review. (*See id.* at 1-7.) She then appealed to this court. (*See* Compl. (Dkt. # 3).) Magistrate Judge Weinberg has issued a report and recommendation, in which he recommends that this court reverse the ALJ's decision and remand the case for calculation and award of benefits. (*See* R&R at 5-22.)

II. STANDARD OF REVIEW

A district court has jurisdiction to review a magistrate judge's report and recommendation on dispositive matters. *See* Fed. R. Civ. P. 72(b). "The district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to." *Id.* "A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). The court reviews de novo those portions of the report and recommendation to which specific written objection is made. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

III. DISCUSSION

The Commissioner objects to the report and recommendation on the most general grounds. First, the Commissioner states that the ALJ's decision is supported by

1 substantial evidence and free of harmful legal error. (*See* Obj. at 2.) Second, the
2 Commissioner claims that, even if the court determines that the ALJ committed harmful
3 error, the court should not remand for an award of benefits because the record as a whole
4 creates serious doubt that Ms. O'Connell is, in fact, disabled. (*See id.* (citing *Garrison v.*
5 *Colvin*, 759 F.3d 995, 1021 (9th Cir. 2014)).) The Commissioner, however, provides no
6 citations to the administrative record to support these assertions and fails to address any
7 particular aspects of Magistrate Judge Weinberg's reasoning. (*See generally* Obj.)
8 Instead, the Commissioner simply refers the court to a 12-page section of the
9 Commissioner's memorandum before Magistrate Judge Weinberg. (*See id.* at 3.)

10 The Commissioner's objections fail to raise any novel issues that were not
11 addressed by Magistrate Judge Weinberg's report and recommendation. (*Compare id.* at
12 2-3 and Def. Mem. (Dkt. # 22) at 7-22 with R&R at 5-22.) Moreover, the court has
13 thoroughly examined the record before it and finds Magistrate Judge Weinberg's
14 reasoning persuasive in light of that record. The objections merely repeat the arguments
15 that the Commissioner made to Magistrate Judge Weinberg, and the court rejects those
16 arguments for the same reasons as Magistrate Judge Weinberg does in the report and
17 recommendation.

18 IV. CONCLUSION

19 For the foregoing reasons, the court hereby ORDERS as follows:

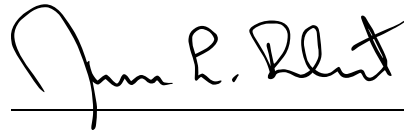
20 (1) The court ADOPTS the report and recommendation (Dkt. # 25) in its entirety,

21 REVERSES the decision of the ALJ, and REMANDS for calculation and

22 award of benefits to Ms. O'Connell; and

1 (2) The court DIRECTS the Clerk to send copies of this Order to counsel for all
2 parties and to Magistrate Judge Weinberg.

3 Dated this 14th day of January, 2015.

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7 JAMES L. ROBART
8 United States District Judge
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